

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JASMINE DIAZ, ET AL.,

Plaintiffs,

v.

NEW WORK CITY, INC., ET AL.,

Defendants.

) Case No. 5:16-cv-2319

) JUDGE SARA LIOI

) **EXHIBIT C: DECLARATION**  
) **OF JASMINE DIAZ**

1. I am over 18 years old and competent to make the following representations and give the following consent in this matter.

2. I have personal knowledge of the matters referenced herein.

3. I am a named plaintiff in this case. I consent to bring this action on behalf of myself and all other similarly situated employees, who are also present or former employees of New Work City, Inc., which I understand also does business as American Medical Personnel.

4. I am a current employee of American Medical Personnel. I work and have been paid as an hourly employee of American Medical Personnel from approximately December 2015 to the present.

5. Throughout my employment, I have worked as an hourly State Tested Nursing Assistant at American Medical Personnel's clients' facilities providing medical and assisted living care. I regularly travel to jobsites, American Medical Personnel's client facilities, in Ohio.

6. Attached as Exhibit D is a true and accurate copy of the *Employee Policies* titled "Show Me The Money" that I received as part of my onboarding at AMP. During my onboarding at AMP I took notes on the policy. As reflected by my notes, I was told during my onboarding that I would not be paid overtime compensation. I specifically wrote on the document "NO OT[:] But Holiday 1.5 is based on pay" after I heard this during the employee onboarding.

7. According to the "Show Me The Money" Policy, in order to receive compensation for my hours, I am required to report my full name and skill level, the name of the facility at which I worked, the date of my shift, the actual start time and end time of my shift, the recorded lunch break, and I am required to have my supervisor sign my timecard.

8. I have never been instructed to report my hours worked traveling between client facilities of American Medical Personnel during the work day. Attached as Exhibit E is a true and accurate copy of paystubs as maintained by AMP. Though the paystubs include a category labeled as "Mileage", I have never been paid for my travel time between client facilities of American Medical Personnel, including during the instances in which I travel between client facilities in the same workday.

9. In addition, I frequently work more than forty (40) hours during workweeks for American Medical Personnel. I have not been paid overtime for all my hours over forty (40) hours, and I have not always been paid overtime at the time and one-half rate required.

10. For example, during the workweek beginning 4/25/2016 and ending 5/1/2016, I worked more than forty (40) hours but I was not paid overtime compensation for all my hours over forty (40). (Exhibit E pages 1-6.)

11. During the workweek beginning 5/9/2016 and ending 5/15/2016, I worked more than forty (40) hours but I was not paid overtime compensation for all my hours over forty (40). (Exhibit E pages 7-10.)

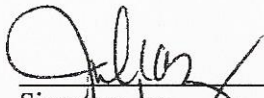
12. During the workweek beginning 5/23/2016 and ending 5/29/2016 I worked more than forty (40) hours but I was not paid overtime compensation for all my hours over forty (40). (Exhibit B pages 11-16.)

13. Based upon my personal knowledge, I am aware that other hourly employees also suffered from the same violations. Defendants similarly failed to pay overtime at the time and one-half rate required to other hourly employees and failed to pay for travel time during the workday to other hourly employees.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

2/13/17  
Date

  
Signature  
Gasparino Diaz  
Printed Name  
5102 Tuxedo Ave  
Street Address  
Parma OH 44134  
City, State, Zip Code  
(216) 501-9124  
Phone Number  
diaz118742@gmail.com  
Email Address